

1 that the rebuttal witnesses have read the statements of Luna
2 and Gaghan, which I can't say I was 100 percent happy about,
3 but was within the parameters of the procedures that I set,
4 and I will note that I set them over your vigorous
5 objection. So that --

6 MR. ARONOWITZ: Well, it also seems --

7 MR. NAFTALIN: Whose objection?

8 JUDGE STEINBERG: He objected to the bifurcated
9 exhibit exchange.

10 MR. NAFTALIN: Oh, that objection.

11 MR. ARONOWITZ: Absolutely, very much so.

12 JUDGE STEINBERG: But I overruled that objection
13 because I felt that the Turro and Monticello Mountaintop had
14 a very good -- I mean, they would not know what to exchange
15 without seeing the Bureau's case because in Monticello
16 Mountaintop's case he had no burden whatsoever, and in
17 Turro's case he has the right of rebuttal. And so these are
18 more rebuttal statements than anything else. But that's
19 water over the dam, and if I screwed that up, I'm sorry, but
20 I can't unscrew it. I'm not saying I did.

21 MR. NAFTALIN: Your Honor also, two quick points.
22 First of all, again, given the constraints of a primarily
23 paper direct case, the way this has gone, showing statements
24 of Mr. Luna and Mr. Gaghan to subsequent witnesses would
25 have been what would have happened in the hearing room

1 anyway. They would have heard their testimony. So that was
2 consistent with the way the burdens are allocated.

3 Number two, I mean, I would like to state for the
4 record I have not given Mr. Turro instructions to this point
5 about withholding any material in this case. i will be
6 happy to instruct him about that this evening when I speak
7 to him. That has not happened up to now because there has
8 been -- we have not been instructed to exclude any witnesses
9 or any others in our case, or even asked to. So I have not
10 instructed them.

11 JUDGE STEINBERG: Well, from now on ---

12 MR. ARONOWITZ: Didn't we reach --

13 JUDGE STEINBERG: Talk to me.

14 MR. ARONOWITZ: Your Honor, I thought we reached
15 an agreement by which factual witnesses would not be looking
16 at factual witnesses' testimony albeit acknowledging that
17 Mr. Turro can look at anything. I don't think that that
18 carried through that Mr. Turro could look at everything and
19 then pass it along. That would seem to undo the agreement
20 that the Bureau and Universal stuck by.

21 MR. RILEY: I did not enter into such an
22 agreement, and the stipulations referred to earlier today
23 are not stipulations to which Monticello Mountaintop was a
24 party, as you know.

25 JUDGE STEINBERG: Are you talking about the

1 emergency motion stuff?

2 MR. RILEY: Exactly. Exactly.

3 JUDGE STEINBERG: Well --

4 MR. RILEY: There was no request, Your Honor, for
5 a protective order by the Bureau and Universal. There was a
6 joint request by counsel for the private parties.

7 JUDGE STEINBERG: Okay. Let's -- okay, you will
8 instruct Mr. Turro, and Mr. Riley will instruct Mr. Weis.

9 MR. RILEY: I will, indeed.

10 JUDGE STEINBERG: And you will instruct Mr.
11 Warshaw not to share information from here on in.

12 MR. ARONOWITZ: Your Honor, we have complied with
13 that on this end.

14 JUDGE STEINBERG: Okay.

15 MR. HELMICK: And so has Universal, Your Honor.

16 JUDGE STEINBERG: Okay, let's go on to the next
17 one.

18 MR. NAFTALIN: The next proposed exhibit is No. 7,
19 Your Honor, the statement of John E. Hidle; 15 pages.

20 JUDGE STEINBERG: The document described will be
21 marked for identification -- I have 16 pages.

22 MR. NAFTALIN: Oh, dear, did I miscount?

23 You are right, Your Honor, 16 pages.

24 JUDGE STEINBERG: The document described will be
25 marked for identification as Turro Exhibit No. 7.

1 (The document referred to was
2 marked for identification as
3 Turro Exhibit No. 7.)

4 MR. ARONOWITZ: Your Honor, we have an objection
5 to that. First of all, there is no date associated with the
6 time of the inspection, and the document is executed on 7th
7 of November, '97. Much like the previous statement that we
8 had, it would seem to me that until it is shown that what
9 they inspected, what was there in '97, this is not relevant.

10 In fact, as you go through and you look at the
11 attachments of the various equipment that is allegedly
12 configured presumably during Mr. Hidle's inspection, we
13 note right off the bat this is not the configuration that
14 was there in '95 because certain pieces of equipment that
15 are certainly in issue here are not part of these
16 configurations.

17 So I would -- I would move for the whole thing to
18 be removed.

19 MR. RILEY: Your Honor, in that objection Mr.
20 Aronowitz speaks of some attachments. I wonder if there is
21 a specific attachment he has in mind because I don't think,
22 he might be right that some of this stuff depicted here,
23 Your Honor, wasn't around in '95, but there is no
24 stipulation that -- he says there are things we know, but
25 this record hasn't heard testimony yet as to what we know.

1 JUDGE STEINBERG: Let me hear from Mr. Naftalin.

2 MR. NAFTALIN: Yes, I -- I mean, I am willing to
3 consider exclusion of something in here if it's specific. To
4 throw out the entire exhibit, much of which I think, for
5 instance, my point before, the Bureau, I suppose, is free to
6 establish evidence that signal strength or radio propagation
7 have changed between '95 and '97.

8 Mr. Hidle has conducted specific testing to
9 establish, if I can use the word "receivability" of both the
10 Monticello station and the Pomona translator at the Fort Lee
11 station; clearly probative evidence and relevant to this
12 case, among other things.

13 If there is something specific here, I would be
14 happy to consider it.

15 MR. ARONOWITZ: Your Honor, this is the same thing
16 that we discussed previously. There is not any, and I will
17 repeat it so that we can have it on the record, we can read
18 it back so that we don't have to continue this. It is not
19 the Bureau's contention that '97 radio characteristics are
20 any different than those in '95.

21 However, the equipment used to transmit and
22 receive it are. Until the equipment used to transmit and
23 receive this stuff in 1997 is shown to be what existed in
24 '95, this should not be accepted as evidence.

25 JUDGE STEINBERG: Okay.

1 MR. ARONOWITZ: This is exactly where we were on
2 the previous thing. And unless Mr. Turro meets the burden
3 of showing that this is what was there in '95, it should be
4 excluded.

5 JUDGE STEINBERG: Okay.

6 MR. RILEY: Your Honor?

7 JUDGE STEINBERG: One last comment.

8 MR. RILEY: I don't speak -- I don't speak in
9 defense of receiving the exhibit. I am sort of neutral on
10 that. I am concerned, though, about Mr. Aronowitz's lack of
11 specificity, coupled with his seeming assumption for the
12 entire room of a universal understanding that there is
13 something in here that reflects differently -- reflects
14 differently the equipment than it was in '95.

15 One of the things that Mr. Hidle has in here,
16 although it's Mr. Turro's exhibit, and again, I'm not
17 speaking for the exhibit, is something that includes WJUX,
18 my client's radio station.

19 I don't care whether the exhibit is in the record
20 or not. I simply don't want the record to reflect an
21 understanding by me that Mr. Aronowitz is correct as to any
22 particular piece of paper in here that reflects something
23 different today than it did in '95.

24 MR. ARONOWITZ: Well, that's not --

25 JUDGE STEINBERG: I'm going to -- this will be the

1 same ruling as with respect to, I guess it's Mr. Hurst, and
2 that is that first we have to get established what the date
3 of the inspection is, and then you're going to have to
4 establish that the equipment or the operations, that
5 everything was substantially the same as they were whenever
6 the "you know what" hit the fan, and even then if this
7 inspection was recent, it would be entitled to very little
8 weight because of that RKO case.

9 So the exhibit is received with those caveats.

10 (The document referred to,
11 having been previously marked
12 for identification as Turro
13 Exhibit No. 7, was received
14 into evidence.)

15 MR. ARONOWITZ: And the burden is on Mr. Turro?

16 JUDGE STEINBERG: Yes, he's got to -- I mean, yes,
17 Mr. Turro has got to establish those things. And if he
18 establishes those things, you've got to unestablish them.
19 Show the engineers that looked at the station in '95 the
20 chart and that was that year, and this year was this year.

21 MR. NAFTALIN: Your Honor, the next proposed
22 exhibit is Turro Exhibit 8, which is a letter of Bill Gaghan
23 to me, and a two-page enclosure for a total of there page.

24 JUDGE STEINBERG: The document described will be
25 marked for identification as Turro Exhibit No. 8.

1 (The document referred to was
2 marked for identification as
3 Turro Exhibit No. 8.)

4 JUDGE STEINBERG: Let me ask for what purpose this
5 is being offered for?

6 MR. NAFTALIN: We think it goes to the credibility
7 of Mr. Gaghan as a witness, Your Honor.

8 JUDGE STEINBERG: How?

9 MR. NAFTALIN: It demonstrates bias towards Mr.
10 Turro.

11 JUDGE STEINBERG: How does tax returns establish
12 bias?

13 MR. NAFTALIN: Well, what this is, this was the
14 letter and the written response he gave me to the subpoena
15 in this case. And in the letter he says, "The only records
16 I do have is when Turro paid me under the table, which I'm
17 sure he never reported." We thought that that one sentence
18 indicated something about Mr. Gaghan's feelings about Mr.
19 Turro.

20 JUDGE STEINBERG: So why do you need pages 2 and 3
21 for?

22 MR. NAFTALIN: Actually, we don't. Would you like
23 to 2 and 3 out of there?

24 JUDGE STEINBERG: Yes, why do we need --

25 MR. NAFTALIN: Is there an objection?

1 JUDGE STEINBERG: Why do we need to disclose in a
2 public record somebody's tax returns?

3 MR. NAFTALIN: We don't need that, Your Honor. it
4 just came together. That's all it was.

5 JUDGE STEINBERG: Okay.

6 MR. NAFTALIN: I agree.

7 JUDGE STEINBERG: Are you going to withdraw pages
8 2 and 3?

9 MR. NAFTALIN: Consider it withdrawn.

10 JUDGE STEINBERG: Okay. And you're going to
11 physically remove them from the record copies?

12 MR. NAFTALIN: Sure.

13 JUDGE STEINBERG: Okay, so pages 2 and 3 of
14 Exhibit 8 will be withdrawn by Mr. Turro, and Exhibit 8
15 becomes a one-page document, and is there any objection?

16 MR. HELMICK: Your Honor, we would not have an
17 objection provided that there is a ruling right here and now
18 that if they are going to use this document to impeach Mr.
19 Gaghan, you know, how he handles a response to reports
20 information on his income tax records, the same ruling would
21 be applicable to Mr. Turro or any other witness in this
22 case.

23 JUDGE STEINBERG: Okay. My understanding is that
24 you're not going to attack him on the basis of what he
25 reported in income tax records. The purpose of this exhibit

1 is solely for the purpose of showing that Mr. Gaghan has
2 animus towards Mr. Turro, and you can use any document you
3 want to --

4 MR. HELMICK: Well, we would like to cross-examine
5 Mr. Turro on this document to find out his complicity in
6 this, for one thing.

7 JUDGE STEINBERG: Well, if Mr. Turro paid him
8 under the table and this is an absolutely true statement,
9 then it doesn't show bias.

10 MR. HELMICK: But it also could reflect on Mr.
11 Turro's credibility.

12 JUDGE STEINBERG: We don't have an issue
13 concerning payment of taxes. But if Mr. Turro -- well, I
14 see what you are getting at.

15 MR. ARONOWITZ: Your Honor, if they are using the
16 payment of -- the nonpayment of taxes to go to some alleged
17 animus towards Mr. Turro, it would seem to me that the issue
18 of taxes would become very relevant --

19 JUDGE STEINBERG: Well.

20 MR. ARONOWITZ: -- as a -- you know, if that is
21 the predicate for this, certainly the issue of payment or
22 nonpayment of taxes would be indicative of even Mr. Turro's
23 animus towards others or Mr. Turro's credibility as long as
24 he's putting it in this way.

25 JUDGE STEINBERG: Well.

1 MR. HELMICK: Mr. Naftalin is sitting here
2 laughing. But, Your Honor, statements made to a government
3 agency, whether it be the Commission or the IRS, do have
4 relevancy on credibility, and the Commission has always held
5 that in cases.

6 JUDGE STEINBERG: have at him.

7 MR. NAFTALIN: This is not a statement to a
8 government agency. This is a statement of Mr. Gaghan to me
9 in a letter. That's all there is to it.

10 JUDGE STEINBERG: I see where he's going with
11 this. Have at him.

12 MR. HELMICK: That's fine.

13 MR. NAFTALIN: Fine.

14 MR. HELMICK: That's fine, Your Honor.

15 MR. NAFTALIN: The next proposed exhibit, Your
16 Honor --

17 JUDGE STEINBERG: Let me just -- Exhibit 8 has
18 reformed will be received.

19 (The document referred to,
20 having been previously marked
21 for identification as Turro
22 Exhibit No. 8, was received
23 into evidence.)

24 MR. NAFTALIN: Your Honor, our next proposed
25 exhibit is Turro No. 9, a one-page letter from Telos

1 Systems.

2 JUDGE STEINBERG: Now, the exhibit -- the document
3 described will be marked for identification as Turro Exhibit
4 9.

5 (The document referred to was
6 marked for identification as
7 Turro Exhibit No. 9.)

8 JUDGE STEINBERG: Can I ask for what purpose this
9 is being offered?

10 MR. NAFTALIN: Sure. We have three or four
11 letters here from manufacturers of equipment in use in the
12 Jukebox Radio system; Mr. Turro's equipment. And there have
13 been allegations made, primarily by Mr. Luna, about what he
14 knew or didn't know, or how he operated or didn't operate
15 ceratin equipment.

16 JUDGE STEINBERG: How "he" meaning Luna?

17 MR. NAFTALIN: "He", Mr. Luna, has affirmatively
18 stated his understandings, and some of the duties that he
19 claims to have performed as a Jukebox Radio employee. Mr.
20 Turro has, and to some extent, Mr. Hurst, has refuted the
21 substance of that, and in support of those refutations we
22 have three or four letters from manufacturers of the
23 equipment in issue which support the proposition that some
24 of the things Mr. Luna claims are technically impossible by
25 that equipment.

1 JUDGE STEINBERG: Okay, who is going to sponsor
2 this?

3 MR. NAFTALIN: Well, Mr. Turro can sponsor this.

4 JUDGE STEINBERG: Is Mr. Turro Rolf Taylor?

5 MR. NAFTALIN: No, sir, he is not.

6 JUDGE STEINBERG: Is Rolf Taylor, is this a sworn
7 statement?

8 MR. NAFTALIN: No, it's not a sworn statement.

9 JUDGE STEINBERG: Okay. Mr. Aronowitz?

10 MR. ARONOWITZ: Well, in addition to those
11 factors, Your Honor, you know, we come back to the same
12 thing. Was this piece of equipment in operation at the
13 relevant time? We don't know whether this -- we don't know
14 where this piece of equipment falls in the universe of facts
15 here. Frankly, I have read the letter a couple of times.
16 I'm not even sure what it means.

17 JUDGE STEINBERG: Well, you can ask -- well,
18 anyway.

19 MR. NAFTALIN: Mr. Turro and Mr. Hurst will be
20 here to be cross-examined about their knowledge of the
21 equipment at whatever time Bureau counsel asks them about
22 it; I mean, what period of time the equipment they want to
23 ask about is. We still don't know what period of time that
24 is. This is offered to support --

25 JUDGE STEINBERG: Mr. Luna stated that he

1 participated in an apparent deception of Mr. Loginow,
2 correct?

3 MR. NAFTALIN: Yes.

4 JUDGE STEINBERG: And that certain things were
5 done with certain pieces of equipment?

6 MR. NAFTALIN: As part of the purported deception,
7 yes, sir.

8 JUDGE STEINBERG: Okay. And the pieces of
9 equipment covered by Turro No. 9 is one of those pieces of
10 equipment?

11 MR. NAFTALIN: Yes, Your Honor. That was
12 equipment in operation. My understanding, and Mr. Turro and
13 Mr. Hurst can be cross-examined on this under oath, is that
14 that's exactly correct. That these manufacturers are
15 making assertions about their equipment, the equipment in
16 operation at the time Mr. Luna was employed relevant to this
17 proceeding in 1995.

18 JUDGE STEINBERG: Okay, I'm going to reject this
19 exhibit because there is nobody that the Bureau could cross-
20 examine on this letter. I mean, if you want Rolf Taylor to
21 come up and answer questions, you can put him on the stand
22 live. But I don't see that there is any sponsor and it's
23 not a sworn statement, so Exhibit 9 is rejected.

24 //

25 //

1 (The document referred to,
2 having been previously marked
3 for identification as Turro
4 Exhibit 9, was rejected.)

5 MR. NAFTALIN: Your Honor, if we could solicit an
6 affidavit from Mr. Taylor -- I haven't tried to do this so I
7 don't know, but if we solicited an affidavit from Mr. Taylor
8 saying that this letter is true and correct, would that do
9 it?

10 JUDGE STEINBERG: Well, you've got my ruling and I
11 don't have anything in front of me, so I'm not going to rule
12 further.

13 MR. NAFTALIN: Got you.

14 JUDGE STEINBERG: I may or I may not. I mean, it
15 could be Mr. Turro can testify to the same thing. And he
16 can say, "Well, where did you get that idea?"

17 MR. NAFTALIN: Okay.

18 JUDGE STEINBERG: Well, show him a letter. You
19 know, maybe; maybe not.

20 MR. NAFTALIN: Well, Your Honor, then we
21 essentially have three more letters in the same vein. Each
22 of them are letters from manufacturers --

23 JUDGE STEINBERG: Okay, let's do them one at a
24 time. Identify them, at least.

25 MR. NAFTALIN: That's fine.

1 The next proposed exhibit is Turro Exhibit No. 10,
2 Your Honor; a one-page letter from Bext, that's B-E-X-T,
3 Incorporated.

4 JUDGE STEINBERG: The document described will be
5 marked for identification as Turro Exhibit 10.

6 (The document referred to was
7 marked for identification as
8 Turro Exhibit No. 10.)

9 JUDGE STEINBERG: Why don't you do the other two.

10 MR. NAFTALIN: Oh, and the next one, proposed
11 exhibit is Turro No. 11; a letter from Energy Onix Broadcast
12 Equipment Company, Inc. And the exhibit that follows that
13 is --

14 JUDGE STEINBERG: Oh, the one-page letter from
15 Energy Onix will be identified -- marked for identification
16 as Turro Exhibit 11.

17 (The document referred to was
18 marked for identification as
19 Turro Exhibit No. 11.)

20 MR. NAFTALIN: And, Your Honor, proposed Turro
21 Exhibit No. 12 is a letter from Musicam USA.

22 JUDGE STEINBERG: Okay, that will be marked for
23 identification as Turro Exhibit 12.

24 //

25 //

1 (The document referred to was
2 marked for identification as
3 Turro Exhibit No. 12.)

4 JUDGE STEINBERG: Same objections?

5 MR. ARONOWITZ: Same ruling. Turro Exhibit 10, 11
6 and 12 are rejected.

7 (The documents referred to,
8 having been previously marked
9 for identification as Turro
10 Exhibit Nos. 10, 11 and 12,
11 were rejected.)

12 MR. NAFTALIN: Your Honor, the next proposed
13 exhibit is Turro No. 13; a one-page letter from a member of
14 Congress, Steven R. Rothman.

15 JUDGE STEINBERG: The document described will be
16 marked for identification as Turro Exhibit No. 13.

17 (The document referred to was
18 marked for identification as
19 Turro Exhibit No. 13.)

20 JUDGE STEINBERG: Any objection?

21 MR. ARONOWITZ: Yes, Your Honor. We object to
22 this based on relevancy. This is not germane to the issues
23 and it's an unsworn statement.

24 MR. NAFTALIN: Well, Your Honor, Bureau has
25 dragged into this matter a number of assertions, primarily

1 from Mr. La Follette, about programming and service. We
2 have some letters here that go to the substance or the value
3 of the Jukebox Radio service on the local levels. We think
4 they are probative of that point.

5 In addition, maybe the fundamental issue for Mr.
6 Turro in this case, would it be in the public interest to
7 renew his licenses, so the global issue to be decided here,
8 and we submit, Your Honor, that a letter such as the one
9 from Congressman Rothman goes to the general question of
10 should his licenses be renewed and the public interest.

11 JUDGE STEINBERG: Okay. Exhibit No. 13 is
12 rejected. It's an unsworn statement and it's filled with
13 hearsay.

14 (The document referred to,
15 having been previously marked
16 for identification as Turro
17 Exhibit No. 13, was rejected.)

18 MR. NAFTALIN: Your Honor, the next proposed
19 Exhibit is Turro Exhibit No. 14; a one-page letter from
20 Bergen County Executive, William "Pat" Schuber.

21 JUDGE STEINBERG: The document described will be
22 marked for identification as Turro Exhibit 14.

23 (The document referred to was
24 marked for identification as
25 Turro Exhibit No. 14.)

1 MR. ARONOWITZ: Same objection.

2 JUDGE STEINBERG: Same objection.

3 Same response?

4 MR. NAFTALIN: Same response.

5 JUDGE STEINBERG: Same ruling.

6 (The document referred to,
7 having been previously marked
8 for identification as Turro
9 Exhibit No. 14, was rejected.)

10 MR. NAFTALIN: More grist for the mill, Your
11 Honor, is Turro Exhibit No. 15; a one-page resolution from
12 the Bergen County Board of Chosen Freeholders.

13 JUDGE STEINBERG: The document described will be
14 marked for identification as Turro Exhibit 15.

15 (The document referred to was
16 marked for identification as
17 Turro Exhibit No. 15.)

18 MR. ARONOWITZ: Same objection, Your Honor.

19 MR. NAFTALIN: Same position.

20 JUDGE STEINBERG: Same ruling. Turro Exhibit 15
21 is rejected.

22 (The document referred to,
23 having been previously marked
24 for identification as Turro
25 Exhibit No. 15, was rejected.)

1 MR. NAFTALIN: Your Honor, the next one is
2 proposed Exhibit 16, a one-page letter from Share Our
3 Strengths, Taste of the Nation, which is a nonprofit
4 community service group.

5 JUDGE STEINBERG: The document described will be
6 marked for identification as Turro Exhibit No. 16.

7 (The document referred to was
8 marked for identification as
9 Turro Exhibit No. 16.)

10 MR. ARONOWITZ: Same objection.

11 JUDGE STEINBERG: And Turro Exhibit 16 is
12 rejected.

13 (The document referred to,
14 having been previously marked
15 for identification as Turro
16 Exhibit No. 16, was rejected.)

17 MR. NAFTALIN: Your Honor, proposed Exhibit Turro
18 17 is a one-page letter from the Borough of Dumont.

19 JUDGE STEINBERG: The document described will be
20 marked for identification as Turro Exhibit No. 17.

21 (The document referred to was
22 marked for identification as
23 Turro Exhibit No. 17.)

24 MR. ARONOWITZ: Same objection, Your Honor.

25 JUDGE STEINBERG: And Turro Exhibit 17 is

1 rejected.

2 (The document referred to,
3 having been previously marked
4 for identification as Turro
5 Exhibit No. 17, was rejected.)

6 JUDGE STEINBERG: If you want to bundle those
7 things up and send them into the Commission as
8 correspondence, then they will be -- the document will be
9 associated with the docket in the correspondence folder, and
10 I don't think anybody would have any objection to that.
11 It's just that they are not evidence in this case.

12 MR. NAFTALIN: Okay. Thank you, Your Honor.

13 JUDGE STEINBERG: So, you know, they can be made a
14 part of the docket in that matter.

15 MR. NAFTALIN: Okay.

16 MR. NAFTALIN: Your Honor, our proposed exhibit is
17 Turro 18; a copy of the First Set of Interrogatories of
18 Gerard A. Turro to Mass Media Bureau; nine pages.

19 JUDGE STEINBERG: The document described will be
20 marked for identification as Turro Exhibit 18.

21 (The document referred to was
22 marked for identification as
23 Turro Exhibit No. 18.)

24 MR. ARONOWITZ: No objection, Your Honor.

25 JUDGE STEINBERG: Turro Exhibit 18 is received.

1 (The document referred to,
2 having been previously marked
3 for identification as Turro
4 Exhibit No. 18, was received
5 into evidence.)

6 MR. NAFTALIN: Your Honor, our next proposed
7 exhibit is Turro 19, which is the Mass Media Bureau's
8 Answers to Interrogatories of Gerard A. Turro, which is 16
9 pages.

10 JUDGE STEINBERG: The document described will be
11 marked for identification as Turro Exhibit 19.

12 (The document referred to was
13 marked for identification as
14 Turro Exhibit No. 19.)

15 MR. ARONOWITZ: No objection, Your Honor.

16 JUDGE STEINBERG: Turro No. 19 is received.

17 (The document referred to,
18 having been previously marked
19 for identification as Turro
20 Exhibit No. 19, was received
21 into evidence.)

22 MR. NAFTALIN: Thank you.

23 Oh, Your Honor, again, this is -- as we
24 established in the Bureau's case --

25 JUDGE STEINBERG: right.

1 MR. NAFTALIN: -- the give and take,
2 questions/answers.

3 JUDGE STEINBERG: Right.

4 MR. NAFTALIN: That's why they are here.

5 JUDGE STEINBERG: Right, and the same --

6 MR. NAFTALIN: Same provisos

7 JUDGE STEINBERG: -- comment I had with respect to
8 the other -- the Bureau's exhibits, I will have here.

9 MR. ARONOWITZ: I went through this once. We are
10 not overlapping on this.

11 MR. NAFTALIN: You know, we could get together. I
12 know we have duplicated some documents --

13 MR. ARONOWITZ: Some of it, okay.

14 MR. NAFTALIN: -- that have been produced, and we
15 can line these things up and get some of this paper out of
16 here, too.

17 MR. ARONOWITZ: Got it.

18 MR. NAFTALIN: It's pure duplication.

19 MR. ARONOWITZ: Well, all right.

20 MR. NAFTALIN: We can talk about that.

21 The next proposed exhibit -- am I up to 20?

22 JUDGE STEINBERG: Yes. 20.

23 MR. NAFTALIN: Proposed Turro Exhibit No. 20, Mass
24 Media Bureau's Supplemental Answers to Interrogatories of
25 Gerard A. Turro, which is a total of 19 pages.

1 JUDGE STEINBERG: I get 20. So we will just say
2 it's a 20-page exhibit and it's marked for identification as
3 Turro Exhibit 20.

4 (The document referred to was
5 marked for identification as
6 Turro Exhibit No. 20.)

7 MR. ARONOWITZ: No objection, Your Honor.

8 JUDGE STEINBERG: Turro Exhibit 20 is received.

9 (The document referred to,
10 having been previously marked
11 for identification as Turro
12 Exhibit No. 20, was received
13 into evidence.)

14 MR. NAFTALIN: Your Honor, the next proposed
15 exhibit is Turro 21, Mass Media Bureau's Second Supplemental
16 Answers to Interrogatories of Gerard A. Turro; six pages,
17 Your Honor.

18 JUDGE STEINBERG: The document described will be
19 marked for identification as Turro Exhibit 21.

20 (The document referred to was
21 marked for identification as
22 Turro Exhibit No. 21.)

23 MR. ARONOWITZ: No objection, Your Honor.

24 JUDGE STEINBERG: Turro 21 is received.

25 //

1 (The document referred to,
2 having been previously marked
3 for identification as Turro
4 Exhibit No. 21, was received
5 into evidence.)

6 JUDGE STEINBERG: I suppose these are my
7 stipulations, huh?

8 MR. NAFTALIN: We're getting there, Your Honor.

9 JUDGE STEINBERG: Let the record reflect sarcasm.
10 (Laughter.)

11 MR. NAFTALIN: The next proposed exhibit, Your
12 Honor, is Turro 22; Interrogatories of Gerard A. Turro to
13 Serge Loginow, Jr. on the Mass Media Bureau," and again, if
14 we have duplicated something we have --

15 MR. ARONOWITZ: Yes, this is a duplication. This
16 is a duplication of Mass Media Bureau Exhibit 20.

17 JUDGE STEINBERG: Do you want to withdraw it?
18 Just keep it in.

19 MR. NAFTALIN: If it's a pure duplication -- I'm
20 not going to -- I will be happy to rely on someone else's
21 and keep it in the record.

22 MR. ARONOWITZ: Yes, why don't we keep it in.
23 That way in case there is a problem, and then maybe before
24 we write, we can all universally say that we will do thing
25 one way or the other.